

Minutes of the Waukesha County Criminal Justice Collaborating Council  
Pretrial Subcommittee  
Tuesday, June 24, 2008

The meeting was called to order at 11:53 a.m.

**Present:** Chair JoAnn Eiring, Brad Schimel, Martin Binn, Sam Benedict, Mike Giese, and Diane Kelsner.

**Also present:** Karen Phillips.

**Approve Minutes of April 1, 2008**

MOTION: Schimel moved, second by Binn, to approve the minutes April 1, 2008.

Motion carried unanimously.

**Brief Update of Pretrial Services**

Pretrial Screening Program

Binn stated the data warehouse users group had a meeting, led by Bob Gibson, to discuss the types of reports that would be useful to generate. They discussed the risk assessment score tool and how the tracking would be done in the query system. Binn stated there is a general consensus that the tool is misunderstood. Looking at the scores, it is believed the score should have a direct impact on whether or not cash bail is required and conditions of bail. Too much focus is put on the score when setting bail (cash vs. signature bond). The assessment tool was originally designed to be implemented with conditions of supervision, i.e. should we be referring people to WCS who have low risk scores as opposed to high-risk scores. Binn opined that perhaps the term "supervision assessment score tool" would be a more appropriate title.

Eiring inquired by whom the risk assessment score tool is misunderstood. Binn stated the defense attorneys and representatives of the District Attorney's Office generally misunderstand it. The risk score is being used to set cash bail instead of using it to determine the need for supervision at WCS.

Benedict stated the risk assessment tool was intended to measure factors that have a correlation to non-compliance, such as failure to appear and prior record. People with a score of zero or one should not be supervised by WCS; people with low scores would not need the pretrial services. Eiring stated she believed that it was meant to determine a risk score used to differentiate those who need supervision and those who do not.

Schimel clarified how to direct his ADA's and interns regarding this issue and stated he will discuss it with his staff.

Pretrial Supervision

Eiring stated this program is doing well overall. Presently, the caseload is down to 118 participants, though the program has a capacity of 140 participants.

Intoxicated Driver Intervention Program

Eiring stated the number of participants in this program is presently 466, but the ideal capacity is 450 participants. They do have an additional worker to help handle the caseload.

Operating After Revocation Program

No update at this time.

**Update of Operating After Revocation (OAR) Workgroup Project**

Kelsner stated there not has been much progress on the OAR workgroup project. She has started working on the pretrial offer form discussed at the April 1, 2008, meeting. Benedict shared his perspective regarding items he would like to see included on the pretrial offer form.

Discussion continued with a statistical review of new and repeat OAR offences and the excessive amount of time spent processing these cases. Benedict opined that the State's resources should be used on cases that are more serious. Further discussion followed regarding ways to expedite such cases to allow them to go before the court commissioner. The DOT would take the same administrative action regardless of what was done in court. It would save time and jail space.

Schimmel addressed the proposed legislation regarding first OWI offenses and the revocation of vehicles with 3<sup>rd</sup> and 4<sup>th</sup> offenses. A lengthy discussion followed on this issue.

**Future Agenda Items**

- Update on OAR issue from Schimmel

**Future Meeting Date**

The next Pretrial Subcommittee meeting is scheduled for Monday, August 18, at 11:00 a.m.

The meeting was adjourned at 1:08 p.m.

Respectfully submitted,

Karen Phillips, Legislative Associate  
County Board Office